

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELWOOD SMALL

Plaintiff

v.

THEODORE W. JOHNSON, *et al.*

Defendants

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:
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CIVIL ACTION

NO. 23-CV-4809

O R D E R

AND NOW, this 3rd day of June, 2024, upon consideration of Elwood Small's *pro se* Complaint (ECF No. 1), the Defendants' Motion to Dismiss (ECF No. 16), Small's Motion in Opposition (ECF No. 18), and Defendants' Reply (ECF No. 19) it is hereby **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to reclassify Small's "Motion in Opposition" as a "Response" to the Defendants' Motion to Dismiss and terminate Small's Motion.
2. The Defendants' Motion to Dismiss Small's Complaint is **GRANTED**.
3. The Complaint is **DISMISSED without prejudice** for the reasons stated in the Court's Memorandum. No leave to amend is granted.
4. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court